

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6067

RONALD L. DORSEY,

Plaintiff - Appellant,

versus

CORRECTIONS CORPORATION OF AMERICA, Owner of
LVCC; GARNER, Nurse, Head Nurse Administrator;
C. CREATH, Nurse, RN,

Defendants - Appellees.

No. 01-6198

RONALD L. DORSEY,

Plaintiff - Appellant,

versus

ARAMARK CORPORATION FOOD COMPANY; FOOD
SERVICE,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge; David G. Lowe, Magistrate Judge. (CA-00-538, CA-00-385)

Submitted: April 27, 2001

Decided: May 4, 2001

Before LUTTIG and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

No. 01-6067 dismissed and No. 01-6198 affirmed by unpublished per curiam opinion.

Ronald L. Dorsey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated cases, Ronald L. Dorsey seeks to appeal orders of the district court in two different actions. In No. 01-6067, Dorsey v. Corrections Corp., Dorsey noted an appeal from two preliminary orders in an ongoing action in the district court. We must dismiss the appeal for lack of jurisdiction. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). This case as yet has neither a final order nor an appealable interlocutory or collateral order.

In No. 01-6198, Dorsey v. Aramark Corp. Food Co., Dorsey seeks to appeal an order of the district court adopting the report of the magistrate judge and dismissing the action. The notice of appeal filed with this action is untimely. We conclude that Dorsey intended the notice of appeal filed in No. 01-6067 to apply to the order in this case but designated the wrong case caption and number. Therefore, we consider this appeal timely. However, we affirm the order of the district court without further review.

Dorsey's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Dorsey that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation.

Despite this warning, Dorsey failed to object to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Dorsey has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 01-6067 - DISMISSED

No. 01-6198 - AFFIRMED